

APPROVED: Meeting No. 37-87

ATTEST: *Helene M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 12-87

March 9, 1987

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, March 9, 1987, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman Jim Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: City Manager Richard Robinson, City Clerk Carol Kachadoorian, and City Attorney Paul Glasgow.

Re: Invocation

The invocation was provided by Reverend Mansfield Kaseman.

Re: City Manager's Report

City Manager Richard Robinson reported the following items:

1. City staff is working with the State Highway Administration regarding the widening of Route 28. Staff is also following up with the State on the widening of I-270 including plans for sound barriers. City staff recently had a meeting with the State Highway Administration regarding the final details for the sound barriers. Gerald Leszkiewicz from the Woodley Gardens Homeowners Association was present at the meeting. In addition, Phase I of the Falls Road interchange

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is underway. A map of a final configuration is being prepared and will be available to the community shortly.

2. Community Services Staff held a planning meeting regarding establishing a health clinic at the Lincoln Park Community Center. Staff is currently preparing a draft scope of work to be completed for the proposed health clinic. Funding for the clinic is coming from a \$5,000 community development block grant allotment for Fiscal Year 1988.

3. We are experiencing problems with a leaking roof in City Hall. Staff is working on the problem; however, there are several City properties for which roof repairs need to be completed. The City is in the process of identifying these facilities and preparing to correct the problems.

4. The City has just received an award of merit for the design of its indoor pool at the Municipal Swim Center.

5. The West End Citizens' Association has requested the City's trends and conditions briefing for its next meeting. Because the briefing is on video cassette, the citizens' association will be using the video presentation made at the Senior Center for their meeting this coming Thursday evening.

Councilman Coyle asked that a point of clarification be made regarding a statement he made at the last meeting during the discussion of the Human Rights Commission. He asked that the record be made clear that it was the vice-chairperson of the Human Rights Commission and not a member of City Staff that asked that a specific memorandum not be taken from the room.

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Re: Mayor's Report

Mayor Van Grack reported the following:

1. The Gude Drive Shelter for the Homeless, known as the Chase Partnership Shelter, opened last Wednesday. The shelter is a joint effort of the City of Rockville, the City of Gaithersburg, and Montgomery County. It is good to see the project underway, particularly since it is the result of a joint funding effort.

2. The City sued Hadid this past week for failure to perform under the terms of its contract for the hotel site. It is clear that the Hadid organization was given a chance to perform. The Mayor and Council was willing to accommodate Hadid; however, a number of contractual deadlines were not met by the Hadid organization. Thus, the City is proceeding with its suit.

Re: Presentations

1. Representatives from Girl Scout Service Unit #2 of Rockville were present at the meeting. They presented Mayor Van Grack with "The Nation's Capital" pin and stated their intent to register the Mayor as a Girl Scout. Michele Bates of Senior Troop 741 made the presentation. After the presentation was made, several members of the Girl Scouts provided members of the Mayor and Council with Girl Scout cookies. The presentation from the Girl Scouts to the Mayor and Council was done in honor of Diamond Jubilee Week noting 75 years that the Girl Scouts have been in existence.

2. The Mayor and Council honored Eagle Scout Jeffrey Weidenfeller and Thomas Parsons for projects which they completed at the Redgate Municipal Golf Course. Mayor Van Grack noted that Jeffrey Weidenfeller's project was to correct a safety hazard and enhance the landscape by building a timber and stone staircase at Hole #5. Thomas Parson's project was to build a timber and stone staircase

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and a raised timber flowerbed on Hole #15. This project enhanced the beauty of the golf course and made it safer and easier to get to the elevated tee. For both of these projects the City supplied the design, tools, and materials while the Scouts provided the leadership and manpower to complete the project. Each of the projects saved the City approximately \$750 in labor. Mayor Van Grack presented Jeffrey Weidenfeller and Thomas Parson's with City pins and key tags.

3. Docents from the Civic Center Mansion provided a check to the Mayor and Council for the City's portion of funds needed to purchase a grandfather clock now on display at the mansion.

Re: Appointments

The Mayor made the following appointments which were confirmed by members of the Mayor and Council:

Economic Development Commission: Dr. Antoinette Hastings - 2-year term.
15216 Turkey Foot Road, Gaithersburg

Landlord-Tenant Commission: David Pollinger - reappointed for 3-year term.
Pollinger Company

Re: Citizens' Forum

1. Carole Cohen advised the Mayor and Council that she had recently attended the hearing held by the Montgomery County Council on an ordinance that limited smoking in restaurants. She asked the City to piggyback on the County's law. She stated that she is also interested in prohibitions on smoking in private areas. Mayor Van Grack asked what the nature of the arguments were in opposition to the proposed ban, and Ms. Cohen responded that there were objections from the tobacco industry. Councilman Abrams asked that the Beverly Hills ordinance, which provides for a total prohibition on smoking in restaurants be considered by the City as well.

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2. Lisa Taylor, Chamber of Commerce, provided a statement from the Chamber's Legislative Committee on the management study of the Police Department conducted by the Police Executive Research Forum. The role of the Rockville City Police Department in relation to the Montgomery County Police Department must be defined. The definition must emphasize the need for more patrols with greater visibility. These patrols should include a community oriented approach whereby the officer is known in the neighborhood, is able to solve community problems and would include the "Officer Friendly" program, Neighborhood Watch programs, and provide security checks for both residents and businesses. The function should emphasize patrols, traffic enforcement, and crime prevention. The Rockville City Police Department should not be responsible for special investigations.

The standards for the Rockville City Police Department should be at least as high as the standards for the Montgomery County Police Department. The officers should be trained at the Montgomery County training facilities by the Montgomery County Police. In addition, the police officers in the Rockville City Police Department should have the same salary scales and benefit packages as the Montgomery County Police Department officers.

The Rockville Police Department should work closely at all levels with the Montgomery County Police Department to ensure the very best in cooperative police services. The Chamber recommends that all radio and dispatch services should be through the Montgomery County 911 emergency services number.

The Rockville City Police Department must address the organizational and managerial difficulties described in the report.

The Rockville City Police Department should improve its ability to handle internal investigations. It is suggested that all internal investigations be

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subject to a review board consisting of at least three police officials from three different police agencies within the State.

Ms. Taylor stated that the broader issue is what police force should serve the City of Rockville. The Chamber recommends that the issue be put before the voters in a public referendum.

3. John Tyner, Rockville Kiwanis Club, advised the Mayor and Council that this coming Saturday, March 14, 1987, the Kiwanis will hold its 9th annual Pancake Breakfast from 6:00 a.m. to 1:00 p.m. He encouraged all residents to attend as the breakfast will benefit the Manna Food Center. Tickets for those attending are \$4.50 for adults, \$2.50 for children between the ages of 6 and 12, and no charge for children under the age of 6.

Re: Consent Agenda

On a motion from Councilman Duncan, duly seconded, and unanimously passed, the following items were approved as part of the consent agenda.

Re: Award of Requirements
Contract for Electrical
Service

We request your approval for entering into a requirements contract for electrical maintenance service for all of our municipal grounds and buildings. We request permission to piggyback onto the Montgomery County Government Bid #60317 Contract for time and material electrical service awarded to Kolb Electric of Rockville. The Montgomery County bid specifications allow other municipal governments to participate in this contract agreement. Also, Kolb Electric has agreed to extend the Montgomery County contract specifications and prices to the City of Rockville.

Under the terms of the Montgomery County agreement with Kolb Electric, the first year's contract extends through August 27, 1987. The contract also allows

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an extension for an additional two (1-year) periods with all terms and conditions of the original contract applying to any such extension.

Generally, the scope of work includes all materials and labor necessary to perform repairs, renovations, alterations, new installations, maintenance, and emergency calls for all types of lighting systems, heating systems, circuit and switching systems, electric equipment and motors, and other electrical systems. Work may be performed on the exterior or interior of facilities as needed.

Justification:

The City has never had the services of a "full service" electrical contractor under agreement to perform all types of electric service requirements as is the capability of Kolb Electric. Kolb can provide services from installing switches to repairing athletic field lighting.

We currently have a theater/electrical technician, who works halftime on electrical service requirements Citywide. The theater/electrical technician is unlicensed and is not qualified to work on electrical alterations or new work in accordance with the City electrical code.

Also, the demands of City facilities for electrical maintenance and repair far exceed the capabilities of our current staff both in manpower and required equipment needed to provide adequate and safe service requirements.

The theater/electrical technician will continue to provide routine electrical maintenance around the City within his qualified capabilities.

In the past, we have used various local electrical contractors as needed to do small electrical work and we have used some of our part-time staff to assist in this mission also but this has not been effective or efficient.

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We feel the requirements contract as stated herein will provide the City with more efficient routine and emergency electrical services and also enable compliance with the City electrical code.

Staff has talked to the Montgomery County contract administrator for the Kolb contract and they gave a very good reference and said Kolb is a full service company that does work in a timely manner.

Traditionally, the City budgets about \$20,000 annually for electrical related service encompassing various departmental and section budgets.

Recommendation:

Staff recommends approval of a requirements contract with Kolb Electric as per the bid specifications of the Montgomery County Government Bid #60317 with an estimated contract value/ceiling of \$20,000 annually, and retain the option to renew the contract for two additional one-year terms upon review by the Director of Recreation and Parks. Total estimated award (one base year and two option years) is \$60,000. Funding for this contract would come from existing expenditure authorizations from various departments and sections utilizing the electrical contractor.

Re: Award of Bid No. 48-87:
Vehicle Replacement (Two
Small Passenger Vans)

As part of our Vehicle Replacement Program, Bid #48-87 was opened on February 17, 1987 at 3:00 p.m. The purpose of this bid is to provide for the replacement of one station wagon and one van with the proposed small vans to better utilize the versatility of the small vans.

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There were 28 proposals sent out and we received three responses.

<u>Vendor</u>	<u>Model</u>	<u>Unit Bid</u>	<u>Total Cost</u>
1. Sunderland Chev.-Cad., Inc. 114 Baughman's Lane Frederick, MD 21701	Astro	\$11,122.87	\$22,245.74
2. Ourisman Ford Co., Inc. 10410 Motor City Drive Bethesda, MD 20817	Aerostar	\$11,425.00	\$22,850.00
3. J.K.J. Chevrolet 2000 Chain Bridge Road Vienna, VA 22180	Astro	\$11,498.00	\$22,996.00
	Budget Provision	\$13,000.00	\$26,000.00

Similar units have not been purchased previously.

I recommend that we award the contract to Sunderland Chev.-Cad., Inc. for supplying two small vans for the low bid price of \$22,245.74.

Re: Presentation on Sprinkler
Systems by Montgomery
County Fire Marshall John
Best

Councilman Coyle acknowledged his special interest in having the presentation, and he welcomed Fire Marshall Best to the Council Meeting. He noted that Montgomery County is considered a leader in the area of fire prevention particularly for multi-family units. Fire Marshall Best provided both written information and a video tape for the Mayor and Council's consideration on the benefits of a sprinkler system for multi-family and townhouse units. Information provided highlighted the cost savings in construction and insurance for providing sprinkler systems.

After the presentation, Councilman Hartogensis asked if the County is making an effort to get homeowners install sprinkler systems. The Fire Marshall stated that it is not an easy task; however, there are some homeowners who are

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installing sprinkler systems given that the technology in existence today makes it fairly easy for a plumber to install the system and for the system to be purchased at local hardware stores.

Councilman Abrams asked what the status of the current law is for rental properties. The Fire Marshall responded that there is no difference in Montgomery County between the law for rental properties or condominiums. The new law adopted by the County applies only to new construction and State law regulates buildings over 4 stories. In response to a question from Councilman Abrams, the Fire Marshall indicated that sprinkler systems are very effective in managing electrical fires. He stated the system keeps the fire confined to a small area. He noted, however, that sprinkler systems must be used with a smoke detector system and that concealed spaces are not protected by sprinklers.

Mayor Van Grack thanked Fire Marshall Best for his information. Councilman Duncan asked him if he would be available for a work session to which the Fire Marshall responded he would be available. Councilman Coyle thanked the staff for making the arrangements to have the Fire Marshall provide this information to the Mayor and Council.

Re: Adoption of Ordinance for
Mid-Year Appropriations
to revise and amend
Ordinance No. 26-86
appropriating funds and
levying taxes for fiscal
year 1987.

Ordinance No.1-87

On a motion from Councilman Abrams, duly seconded, and unanimously passed, Ordinance 1-87, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, to revise and amend Ordinance No. 26-86 appropriating

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funds and levying taxes for fiscal year 1987, was adopted by the Mayor and Council.

Councilman Coyle noted that the mid-year appropriation was \$594,525.00. Given this large amount, he asked the City Manager if there were any unexpected increases for Fiscal Year 1988. The City Manager responded that there were not and that a major portion of the mid-year appropriation is to handle the impact of the decisions made on the pay and classification study. He stated that the City now has a good handle on the total costs for salaries and benefits of that study.

Referring to Page 2 of the staff memorandum explaining the mid-year appropriations, Councilman Coyle asked about the use of \$12,500.00 requested for the Planning Department for the Rockville Pike Corridor Plan. Senior Budget Analyst Ellen Elow-Mintz stated that these funds are to relate to an existing commitment to jhk Associations as well as small projects that former Planning Director Mike Davis did himself but the City now uses consultants to complete. In addition, Councilman Coyle asked about the \$65,200.00 requested for work at the Senior Center. City Manager Robinson responded that these funds will be used to transfer staff working for the City's Senior Services Program from the Department of Community Services to the Department of Recreation and Parks. He noted that the HVAC and electrical systems at the Senior Center need to be upgraded and that the work was authorized by the Mayor and Council several months ago.

Councilman Coyle also asked about the \$4,000 included for the Civic Center Mansion. Ms. Elow-Mintz responded that the funds are used for the cost of renting the Mansion and the theatre to groups for various activities. She

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stated that these costs are offset by the fees charged to the various groups, thus, the net affect on the budget is zero.

Councilman Hartogensis asked about the \$85,000 included for the Frederick Avenue pedestrian bridge. City Manager Robinson responded that the money will be used for aesthetic improvements to the bridge including planters and painting. He noted, however, that the improvements will not change the basic design of the bridge.

Re: Request to Withdraw Text
Amendment Application, T-
83-87, Seven Locks
Associates, Applicant (C-1
Zone: Local Commercial
Zone)

On a motion from Councilman Abrams, duly seconded, and unanimously passed, the request to withdraw was approved by the Mayor and Council.

Re: Decisions and Instructions
to Staff: Residential
Townhouse Development
(RTH-7-86), Impara & Wire,
Inc., Applicant (Veirs
Mill Road at First Street)

On a motion from Councilman Duncan and duly seconded the Mayor and Council unanimously directed staff to prepare the necessary documentation to approve RTH-7-86 subject to the Planning Commission and staff memorandum regarding the deletion of sidewalks along Crawford and Lewis Avenues. Councilman Coyle reminded the Mayor and Council of the meetings that the developer had with the neighborhood. He stated that he hopes the developer will continue to hold such meetings.

Mayor Van Grack noted that the last time this tract of land had been proposed for development it was for commercial development. The neighborhood had objected at that time, and it was good to see that a development that is

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acceptable to the neighborhood is being made. Councilman Duncan stated that there is concern from the neighborhood regarding the townhouse; however, the developer is to be commended for its work with the neighborhood.

Re: For Your Information

Councilman Coyle asked for information on the City's KAT and STEP Programs. He stated that the staff memoranda recently received are well presented. However, he noted there is still dissatisfaction with the way the program was advertised and filled this year. He stated he wants to send additional information to those he has spoken with who are frustrated with the program.

Councilman Duncan concurred noting that there is a problem with the space and quality of the program. He suggested that a lottery system be considered for those who would like to sign up their children. City Manager Richard Robinson noted that both programs need additional space and that the space problems are the result of the high quality of the programs. He said that staff will look into the concerns raised by the Mayor and Council and see what can be done.

In response to a question from Councilman Abrams regarding KAT and STEP Programs run at facilities other than schools, the City Manager noted that there are programs run at the Senior Center.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Thank you letter from Marjorie Bailey re snow removal.
2. Complaint letter from C. Minor re snow removal at Twinbrook Shopping enter.
3. Complaint letter from Brenda G. Fischler re snow removal.

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4. Thank you letter from Rodney L. Levine re snow removal.
5. Thank you letter from George E. Arthur re snow removal.

Re: Other Business

1. Councilman Coyle referred to a memorandum regarding transitional housing facilities such as Stepping Stones and the Baptist home and asked what the next steps are for the City. He stated his preference for a long-term solution through legislation. City Attorney Paul Glasgow agreed that legislation regulating group homes and halfway houses is needed for the City. In the short-run he stated that such homes are not permitted as a matter of right. For example, Stepping Stones needs to apply to the Board of Appeals for an extension to its special exception; and the Baptist home would need to apply for a special exception if they plan to put in the facility.

Councilman Coyle noted that the closing on the house for the Baptist home is scheduled for the 1st of April, and therefore, staff should monitor activities closely. The City Attorney advised the Mayor and Council that the Baptist home is aware of the need for them to apply for a special exception and that they will not enter into a contractual arrangement until one has been obtained. He noted that the Stepping Stones special use permit is up for review in May and that would be a good time for the Board of Appeals to review the situation with respect to the proposed transitional housing facility.

Councilman Coyle asked the City Manager for information on the extent of transitional housing facilities in the City of Rockville. The City Manager stated that the information is being developed by staff and will be provided to the Mayor and Council when complete. Councilman Coyle noted that in the past two weeks neighbors on South Stonestreet have met with the Baptist home in order to gain a better understanding for the project. He suggested that a

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triggering mechanism such as a one-year time period be used for the Board of Appeals to review special exceptions once they have been granted. The City Attorney advised the Mayor and Council that the Board of Appeals has the authority to do that now. There was a consensus among the Mayor and Council for a text amendment on a special exception process for transitional housing to be developed.

Mayor Van Grack asked that staff advise both Stepping Stones and the Baptist Home that each of their projects is not a permitted use under the current zoning law and in each case a special exception is needed.

2. Councilman Duncan advised the Mayor and Council that the truck displaying the Magna Carta, as well as other documents for the celebration of the bicentennial of the Constitution will be in Courthouse Square on September 3, 1987. He said he received a call thanking the City for its excellent staff work on this project.

3. Councilman Duncan suggested that the Mayor and Council hold a separate public hearing from the Planning Commission on the Rockville Pike Plan. Mayor Van Grack asked the Chairman of the Planning Commission, Dick Arkin, about the Commission's schedule for considering the plan. Mr. Arkin provided the Mayor with this information although he stated he is not sure when the plan will be completed. He stated it needs to be typed, proofed, and reproduced. He expects that staff will be done with the initial drafting of the document by the end of the week. He stated he believes that the plan will be available in the spring. Paul Glasgow reminded the Mayor and Council that they are not required to hold a public hearing on the plan; however, they would need to hold a public hearing on any text amendment or a map amendment that is the result of decisions on the

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plan. He stated that the timing for these hearings depends upon staff's ability to develop the requisite text or map amendments.

Mayor Van Grack asked Chairman Arkin how soon the Planning Commission could have a recommended plan to the Mayor and Council assuming that it holds its public hearing on a proposed plan in early June. Acting Director of Planning Larry Owens suggested that it would take approximately one month for staff to complete a revision of the plan based upon the testimony received at the Planning Commission's public hearing and direction received from the Planning Commission.

Councilman Abrams acknowledged the 60 day mandatory referral period for the document before the Planning Commission can hold its public hearing. However, he asked if it is possible for a text amendment and a map amendment to be in the works during this period. Both Chairman Arkin and City Attorney Glasgow concurred that this is possible. Councilman Hartogensis stated his belief that it is optimal to hold a public hearing on the any proposed text amendment and map amendment at the same time.

It was the concensus of the Mayor and Council to have the Planning Commission move expeditiously on the project and to hold a separate public hearing on the plan from the Planning Commission.

4. Mayor Van Grack shared with the Mayor and Council a letter that he has received from the Mayor of Pinneberg regarding the 30th anniversary celebration of the City's Sister City relationship with Pinneberg set for the first week in September.

5. Mayor Van Grack advised the Mayor and Council that he has been asked by the Maryland Municipal League to testify at an upcoming hearing in opposition to five annexation bills that have been introduced into the general assembly.

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Re: Work Session

On a motion from Councilman Abrams, duly seconded, and unanimously passed, the meeting was closed for a work session on police services. The work session began at 10:25 p.m.

Re: Adjournment

There being no further business to come before the Mayor and Council in work session, the meeting was adjourned at 12:10 a.m. to convene again in work session on Monday, March 16, 1987, at 7:30 p.m. or at the call of the Mayor.